



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,936	02/12/2004	David James Clarke	ID-502 (80222)	5504
27975 7590 01/14/2009 ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791				
EXAMINER JAKOVAC, RYAN J				
ART UNIT 2445		PAPER NUMBER		
NOTIFICATION DATE 01/14/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

creganoa@addmg.com

Office Action Summary

Application No.

10/777,936

Applicant(s)

CLARKE, DAVID JAMES

Examiner

RYAN J. JAKOVAC

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/ISD)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 11/19/2008

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20020183080 to Poor et al (hereinafter Poor), in view of US 2005/0066037 to Song et al (hereinafter Song).

Regarding claims 1,12, 17, 22, and 27 Poor teaches a communications system, protocol interface device, method, and computer-readable medium comprising: a plurality of data storage devices each using at least one of a plurality of different operating protocols (Poor, Paragraph [0010], The intermediate server and the service provider's server have different protocols);

a plurality of mobile wireless communications devices for accessing said plurality of data storage devices and each using at least one of the plurality of different operating protocols (Poor, Paragraph [0010] Users of wireless devices access internet email and the internet. Furthermore, paragraph [0009] recites "...application program protocols used by the application programs in a

person's (i.e., user's) wireless device...". This recites that the wireless device uses different application program protocols (i.e. uses at least one of the plurality of different operating protocols.). Fig. 7 further discloses a list of application programs that the user's device includes. Furthermore, in paragraph [0023] of Poor discloses that devices can send messages using HTTP or UDP which are two different operating protocols used by the plurality of mobile wireless communications devices for accessing said plurality of data storage devices.); and a protocol interface device (Poor, Paragraph [0025], The intermediate system) comprising a protocol engine module for communicating with said plurality of data storage devices using respective operating protocols (Poor, Paragraph [0010] Intermediate server communicates with service provider's server), a front-end proxy module coupled to said protocol engine module and comprising a respective proxy module for communicating with said plurality of mobile wireless communications devices using each different operating protocol (Poor, Paragraph [0010], Intermediate server communicates with mobile devices based on their protocols), and at least one common core service module coupled to said proxy modules (Poor, Paragraph [0010], database of application programs and protocols), and a configuration file module (Poor, Paragraph [0026] The server configuration file) coupled to said front-end proxy module for storing a plurality of different sets of configuration files relating to different allocations of resources of the at least one common core service module (Poor, Paragraph [0026] The intermediate system uses the server configuration file to establish a common communication basis for which to communicate with a server operating a specific service).

Poor does not expressly disclose said at least one common core service module allocating resources based upon a given service to be performed and a corresponding set of configuration

files stored in said configuration file module, however, Song discloses said at least one common core service module (Song, fig. 1, repository server comprising BSR repository module.) allocating resources based upon a given service to be performed (Song, abstract, restoration of active sessions.) and a corresponding set of configuration files stored in said configuration file module (Song, [0086], BSR repository module comprises a page server component. [0088], BSR repository module hosts documents to users. [0090], snapshot storage component archives browser snapshots according to user criteria ([0091])). See also fig. 9.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine said at least one common core service module allocating resources based upon a given service to be performed and a corresponding set of configuration files stored in said configuration file module, however, Song discloses said at least one common core service module allocating resources based upon a given service to be performed and a corresponding set of configuration files stored in said configuration file module as taught by Song with the system of Poor in order to be able to restore the state of network sessions (Song, abstract).

Regarding claims 2,13, 18, 23, and 28, The combination of Poor and Song teaches the communications system of Claim 1, the protocol interface device of claim 12, the protocol interface device of claim 17, the method of claim 22, and the computer-readable medium of claim 27 wherein said plurality of different sets of configuration files comprises a primary set of configuration files (Poor, Paragraph [0026] The server configuration file) corresponding to core resource allocation operations, and a secondary set of configuration files for customizing the core resource allocation operations (Poor, Paragraph [0027] The user configuration file).

Regarding claim 3, The combination of Poor and Song teaches the communications system of Claim 1 wherein said at least one common core service module is for routing traffic between said proxy modules and said protocol engine module (Poor, Paragraph [0010] The intermediate server receives a message, looks up the message in the database according to the protocol and communicates with the service provider's server).

Regarding claim 4, The combination of Poor and Song teaches the communications system of Claim 1 wherein said at least one common core service module is for accessing data from said plurality of data storage devices (Poor, Fig. 1, remote servers number 28 and 30 are accessed by intermediate system).

Regarding claim 5, The combination of Poor and Song teaches the communications system of Claim 1 wherein said at least one common core service module is for rendering data for said plurality of mobile wireless communications devices (Poor, Paragraph [0030] Intermediate system transmits messages back to the device).

Regarding claims 14, 19, 24, and 29 The combination of Poor and Song teaches the protocol interface device of claim 12, the protocol interface device of claim 17, the method of claim 22, and the computer-readable medium of claim 27 wherein said at least one common core service module is for at least one of routing traffic between said proxy modules and said protocol engine module (Poor, Paragraph [0010] The intermediate server receives a message, looks up the

message in the database according to the protocol and communicates with the service provider's server), accessing data from the plurality of data storage devices (Fig. 1, remote servers number 28 and 30 are accessed by intermediate system), and rendering data for the plurality of mobile wireless communications devices (Poor, Paragraph [0030] Intermediate system transmits messages back to the device).

Regarding claims 6, 15, 20, 25, and 30 The combination of Poor and Song teaches the communications system of Claim 1, the protocol interface of claim 12, the protocol interface of claim 17, the method of claim 22, and the computer-readable medium of claim 27 wherein said at least one common core service module comprises a plurality of handlers for interfacing said proxy modules with said protocol engine module (Poor, Paragraph 0027] Configuration blocks from the user configuration file are used to select information by the intermediate system.).

Regarding claims 7, 16, 21, 26, and 31 The combination of Poor and Song teaches the communications system of Claim 1, the protocol interface of claim 12, the protocol interface of claim 17, the method of claim 22, and the computer-readable medium of claim 27 wherein said plurality of proxy modules (Poor, Paragraph [0028] Intermediate system) convert access requests from said plurality of mobile wireless communications devices (Poor, Paragraph [0010] Messages from users of wireless devices) to common access parameters (Poor, Paragraph [0028], text format); and wherein said front-end proxy module further comprises a flow controller (Poor, Paragraph [0028] Intermediate system) module for receiving the common access parameters

from said plurality of proxy modules and selecting desired handlers for processing thereof (Poor, Paragraph [0028] Intermediate system decodes packets send from users into text format).

Regarding claim 8, The combination of Poor and Song teaches the communications system of Claim 6 wherein said plurality of handlers and said protocol engine module communicate using a common interface protocol (Poor, Paragraph [0028], Intermediate system parses retrieved fields and processes them in the database).

Regarding claim 9, The combination of Poor and Song teaches the communications system of Claim 1 further comprising a renderer module for cooperating with said proxy modules to format data for said plurality of mobile wireless communications devices (Poor, Paragraph [0028], The intermediate system transmits the message back to the device).

Regarding claim 10, the combination of Poor and Song teaches the communications system of Claim 9, further comprising an extensible mark-up language (XML) engine module coupled to said renderer module (Song, [138-0157], mapping of snapshots.).

Regarding claim 11, The combination of Poor and Song teaches the communications system of Claim 10, further comprising a memory coupled to said XML engine module for storing a plurality of templates corresponding to respective operating protocols (Song, [00157], mapping and associated transformations deployed within BSM module, platform adapter module, or repository module.).

Response to Arguments

3. Applicant's arguments filed 11/06/2008 have been fully considered but they are not persuasive.
4. Applicant argues that Song does not disclose at least one common core service module allocating resources based upon a given service to be performed and a corresponding set of configuration files stored in said configuration file module. The examiner respectfully disagrees. Song discloses a common core service module allocating resources based upon a given service to be performed in at least paragraphs [0086-0104]. Song discloses a system where a user uploads a “snapshot” of a browser session in order to save and restore the runtime state of active sessions (Song, abstract.). The repository sever, which comprises the BSR repository module, provides for the allocation of customized session data (i.e. allocation of resources) in response to user requests in order to re-create active browser sessions. For example, paragraph [0104] discloses that the browser state repository (BSR) module restores the stored browser snapshot to re-create the active session. The session is restored based on previously uploaded information, which is stored on the repository server for later access (See Song, [0092-0103].). Regarding the argument that Song does not disclose a corresponding set of configuration files stored in said configuration file module, Song discloses in at least [0091] and fig. 9 that the snapshot storage component archives browser snapshots according to user criteria. These snapshots function as a “corresponding set of configuration files stored in said configuration file module” since the later re-creation of the active sessions is based up on them.

5. Applicant's arguments towards the motivation to combine are foreclosed by *KSR v. Teleflex*, 550 U.S. ___, 127 S. Ct. 1727, 82 U.S.P.Q.2d 1385 (2007). The Office Action mailed 08/06/2008 detailed the motivation to combine Poor and Song in contrast to the Applicant's statement in arguments filed 11/06/2008 that the Examiner failed to provide any reason to combine the references.
6. The Applicant's arguments towards the dependent claims fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RJ/
/Larry D Donaghue/
Primary Examiner, Art Unit 2454